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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	) No.
	)
Plaintiff,	) <u>COUNT 1:</u>
	) CONSPIRACY TO DISTRIBUTE
vs.	) CONTROLLED SUBSTANCE
	) Vio of 21 U.S.C. §§ 846 and
JESUS AVITIA-ENRIQUEZ, and	) 841(a)(1), (b)(1)(C)
STEVEN KYLE PHILLIPS,	)
	) <u>COUNT 2:</u>
Defendants.	) POSSESSION OF A CONTROLLED
	) SUBSTANCE WITH INTENT TO
	) DISTRIBUTE
	) Vio. of 21 U.S.C. § 841(a)(1),
	) (b)(1)(C)
	)
	) <u>COUNT 3:</u>
	) CARRYING OF A FIREARM
	) DURING AND IN RELATION TO A
	) DRUG TRAFFICKING CRIME
	) Vio. 18 U.S.C. § 924(c)(1)(A)(i)
	)
	)
	)
	)

) COUNTS 4-5:  
) FELON IN POSSESSION OF A  
) FIREARM  
) Vio. of 18 U.S.C. §§ 922(g)(1) and  
) 924(a)(2)  
)  
) CRIMINAL FORFEITURE  
) ALLEGATION 1:  
) Vio. of 21 U.S.C. § 853 and  
) R. 32.2(a), Fed. R. Crim. P.  
)  
) CRIMINAL FORFEITURE  
) ALLEGATION 2:  
) Vio. of 18 U.S.C. § 924(d) and  
28 U.S.C. § 2461(c)

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## INDICTMENT

The Grand Jury charges that:

### COUNT 1

Beginning on or about January 6, 2021, and continuing until on or about January 25, 2021, within the District of Alaska and elsewhere, defendants, JESUS AVITIA-ENRIQUEZ and STEVEN KYLE PHILLIPS, did knowingly and intentionally combine, conspire, confederate, and agree with each other and other persons known and unknown to the Grand Jury to distribute a controlled substance, to wit: any amount of a mixture or substance containing a detectable amount of methamphetamine, and any amount of heroin.

All of which is in violation of 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(C).

### COUNT 2

On or about January 25, 2021, within the District of Alaska, defendants, JESUS AVITIA-ENRIQUEZ and STEVEN KYLE PHILLIPS, did knowingly and intentionally possess with intent to distribute a controlled substance, to wit: any amount of a mixture or

substance containing a detectable amount of methamphetamine, and any amount of heroin.

All of which is in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 3

Between on or about January 6, 2021, until on or about January 25, 2021, within the District of Alaska, defendants, JESUS AVITIA-ENRIQUEZ and STEVEN KYLE PHILLIPS, during and in relation to the drug trafficking crime charged in Count 1 of this Indictment, did knowingly use and carry a firearm, to wit: one Charter Arms Bulldog Pug .44 caliber revolver, and did knowingly and intentionally possess this firearm in furtherance of the aforesaid drug trafficking crime.

All of which is in violation of 18 U.S.C. § 924(c)(1)(A)(i).

COUNT 4

Between on or about January 6, 2021, until on or about January 25, 2021, within the District of Alaska, defendant, JESUS AVITIA-ENRIQUEZ, knowing that he had previously been convicted by any court of the following crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, a firearm, to wit: one Charter Arms Bulldog Pug .44 caliber revolver.

Conviction

Conviction Date	Offense	Court	Case No
April 3, 2019	Felon in Possession of Firearm	State of Alaska	4FA-16-2563

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

COUNT 5

Between on or about January 6, 2021, until on or about January 25, 2021, within the District of Alaska, defendant, STEVEN KYLE PHILLIPS, knowing that he had previously been convicted by any court of the following crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, a firearm, to wit: one Charter Arms Bulldog Pug .44 caliber revolver.

Conviction

Conviction Date	Offense	Court	Case No
January 9, 2020	Theft 2 – Access Device	State of Alaska	4FA-19-01119CR

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

CRIMINAL FORFEITURE ALLEGATION 1

The allegations contained in Counts 1 and 2 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 21 U.S.C. § 853.

Pursuant to 21 U.S.C. § 853, upon conviction of an offense in violation of 21 U.S.C. § 841, defendants, JESUS AVITIA-ENRIQUEZ and STEVEN KYLE PHILLIPS, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

All pursuant to 21 U.S.C. § 853 and Rule 32.2(a), Federal Rules of Criminal Procedure.

CRIMINAL FORFEITURE ALLEGATION 2

The allegations contained in Counts 3 and 4 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c).

Upon conviction of an offense in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), or 924(c)(1)(A)(i), defendants, JESUS AVITIA-ENRIQUEZ and STEVEN KYLE PHILLIPS, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm or ammunition involved in or used in knowing violation of the offense.

All pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

A TRUE BILL.

s/ Grand Jury Foreperson  
GRAND JURY FOREPERSON

s/ Ryan D. Tansey  
RYAN D. TANSEY  
Assistant U.S. Attorney  
United States of America

s/ S. Lane Tucker  
S. LANE TUCKER  
United States Attorney  
United States of America

DATE: 1-18-23